

Submission on Proposed Youth and Community Services Regulation 2010 Regulatory Impact Statement

Newtown Neighbourhood Centre is very pleased to be able to respond to this Regulatory Impact statement and is keen to see much needed improvements in the care and support of residents in Licensed Residential Centres. Albeit a long time coming, the work that has been done towards moving to legally enforceable conditions such as these is commendable. However, the need for a full review of the YACs act is still required to bring about real and meaningful protection of vulnerable people such as those living in LRCs.

It needs to be acknowledged up front that the lives of residents in LRCs are in the hands of parties in conflict, and always will be if the sector stays as is. The lack of standards in accommodation services for vulnerable people stands in marked contrast to the Disability Services Standards in other areas of daily living. The Regulatory Impact Statement is a welcomed start that needs meaningful consideration and planned implementation if it is to serve as any real change.

As a provider of Active linking Initiative (ALI) since the start of this program and currently supporting 89 residents in the Inner West area of Sydney, Newtown Neighbourhood Centre is at the forefront of interactions with residents on a daily basis. The concerns that come straight to mind when commenting on the proposed change for this sector are :

1. Will this bring about significant and much needed improvements for this vulnerable group? The aim of this project must guarantee real changes to the status quo.
2. Have the people whose lives are most likely to be affected been consulted? It is essential to consult directly with those who are most impacted.

With those questions in mind and the proposed regulations, NNC has identified some areas where there are opportunities for real and meaningful impact. At the same time, we are very enthused by the RIS and welcome the other recommended changes

PART 3 Obligations of licensees

7. Sleeping Facilities

In addition to what is contained in the RIS we believe the following should be included:

A securable bedside cabinet that can be locked is welcome. However, it must also be stipulated that residents must have access to the key for this cabinet

The ultimate aim is for residents is to have a single bedroom available should they wish. Two beds in a room should be the maximum permissible.

Bedding must be suitable to weather conditions, more blankets need to be available for residents in colder months.

8. Clothing and Toiletries

In addition to what has already been stipulated in the RIS, we believe the following should be included:

Clothing must be labelled and keep this way so individuals can identify their own clothing.

All toiletries and laundry costs should be included in the cost of board & lodging.

9. Meals

Meals are one of the main functions of a LRC but food is also a substantial financial outlay for the licensee. This sets a conflict between the “for profit” nature of LRC and the best practice standards of service delivery. Clearly there needs to be clear nutritional standards for LRC operators to follow. We cannot allow a situation where scrimping on the LRC’s food budget will detrimentally affect the residents’ health and wellbeing.

13. Medication

Residents are vulnerable to maladministration of medications. Many licensees have no information on the medication programs they support. Many residents have no idea what they are taking and why. In the experience of ALI, this is an area of potential serious harm. Details of medication programs being administered must be stored on site in a secure place. Licensees must have relevant medical information available to them concerning the medications they administer.

15. Residents not to be abused or neglected

It is part of human rights that a person should not have to live in fear. This has to, therefore, include all LRC residents and strong retribution is needed in cases where abuse or neglect occurs. Given that the penalty for breaches is \$500, this is at best a tepid deterrent, for activities that could involve criminal activities. There must be a process put in place where suspected cases of abuse and neglect are reported and, most importantly, followed up.

16. Protection of the financial affairs of residents

The proposed changes within this regulation have to be applauded loudly and they have the potential for real life enhancing and self determining responsibilities for many residents. The planning, support and implementation strategies will potentially make or break the opportunity for real change.

Without planned and supported facilitation of these proposed changes, the threat of further disempowerment and chaos is easily imaginable. The current financial management systems do not work for many many residents, particularly as the range of abilities, literacy levels and knowledge of their own funds is very broad. Some 18 months ago NNC partnered up with the then OPC to facilitate budget reviews of residents at a given house who were under a financial guardianship order. To date the project has yet to be completed or achieve any purposeful gains. More commitment to bringing about the reforms is certainly needed. The proposed regulation states that residents must be encouraged to operate their own bank account or financial affairs or to be given support in arranging such actions. More than just encouragement is required, clear process and authority is paramount for this step to even be considered. It is obviously a responsibility that sits within the regulations and its enforcement. Unfortunately the current financial management arrangements under guardianship do not work for many LRC residents. Change here may well be opposed by some licensees, but it is essential for the autonomy of the residents that these reforms happen. ALI services have demonstrated an ability to assist residents in a range of skill development. This ALI model could be easily extended to cover financial skill development as well. For many residents the learning of budgeting skills is achievable and exciting, for some it could be more difficult. Again, the range of abilities will require consideration.

17. Protection of Interests of residents

There is a conflict prone nature in which care arrangements take place. An explicit spelling out of what is required for both sides to understand what is necessary. What are people's roles and responsibilities in the working relationship? Without clearly defined standards and rules, the situation remains unclear and all parties are working in a vacuum which is detrimental to positive outcomes for the clients.

The NSW Disability Standards have to be at least a starting point and minimum to be sought. For example, what privacy and confidentiality means to each of us will differ according to what our roles are. When a resident has to carry with them at all times their own tin of coffee (won at a community activity) to keep it safe, then that person's right to privacy and security is not being respected. Informed decision making, another Disability Service Standard needs far more active support. We can report about a resident who carries out household tasks from 6-9am 7 days per week for a mere \$5. She does this so she can afford extra cigarettes. Whilst one could say that this is her own decision, it is a highly exploitative situation and one where fairness is utterly absent. All residents must have a designated, independent advocate to prevent such situations from occurring.

18. Procedure for complaints

For vulnerable people to be able to make complaints, there must be systems in place to support them through the complaints process. Otherwise, situations will occur where residents are influenced not to talk to certain people, not to make complaints and can be intimidated with fears of retribution. It takes a lot of strength to speak out. It is unrealistic to expect that vulnerable people can do it without substantial support.

20. Staffing arrangements

Given the nature of this business, this is another area that can and is manipulated to suit a business bottom line, both in the number, suitability and training of staff to carry out the duties of caring for vulnerable persons. Unfortunately the regulation does not go far enough to determine what is an "adequate" number of persons to be employed or identify the skills required to carry out the duties to any agreed standard. A necessity for all staff working in a LRC must be a mandatory criminal reference check.

It is hoped that ADHC is also able to take a proactive approach in ensuring that licensees meet their obligations. The approach needs to ensure residents' rights are at the forefront. ADHC's role is vital to this process and it will be necessary for ADHC to provide adequate resources to support the implementation of these reforms.

The introduction of stated and enforceable regulations can only be as good as they are enforced. The NNC ALI program for one will welcome access to a common document that can be referred to when working for residents and with licensees. It is essential that all stakeholders are fully aware of their rights and responsibilities and the goals of these reforms need to improve conditions for residents. This can only occur when all involved know where they stand. We look forward to being part of the implementation of significant changes in this sector that will improve the lives of vulnerable people living in LRCs.